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Rights of the child

Report of the independent expert for the United Nations study on violence against children

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the independent expert for the United Nations study on violence against children, Paulo Sérgio Pinheiro, submitted pursuant to General Assembly resolution 59/261.

Summary

The present report provides information on the activities the independent expert, Paulo Sérgio Pinheiro, appointed by the Secretary-General to lead the study on the question of violence against children, has carried out in order to gather information on the situation of violence against children and steps taken to prevent and respond to such violence.

* A/60/150.
** The present report was submitted late so as to include the most up-to-date information possible.

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I. Introduction

1. In its resolution 59/261 of 23 December 2004, the General Assembly invited Mr. Paulo Sérgio Pinheiro, the independent expert appointed by the Secretary-General for the United Nations study on violence against children requested by the Assembly in its resolution 56/138 of 19 December 2001, to report to it at its sixtieth session. The present report, which complements the progress reports on the study provided by the Secretary-General to the Commission on Human Rights at its sixtieth and sixty-first sessions (E/CN.4/2004/68 and E/CN.4/2005/75), is submitted in accordance with that request.

2. Since the submission of the progress report on the study to the sixty-first session of the Commission on Human Rights, the independent expert has continued to gather information to provide an in-depth global picture of violence against children, documenting its nature, incidence, causes and consequences by considering the various settings in which such violence takes place, prioritizing the collection of information on best practices in prevention and response, including those developed with contributions from children.

3. A number of processes have been initiated by the independent expert as part of a multifaceted strategy to mobilize global support for the study and for its objective of eliminating violence against children, as well as to collect information, which will be presented in the final report of the study, a comprehensive publication containing the study's findings and a child-friendly version of the study. The processes have included the submission of a questionnaire to Governments and a call for public submissions. The independent expert has encouraged the organization of regional, subregional and national consultations, as well as expert thematic meetings on particular issues and themes relating to violence against children, and undertaken a number of country field visits. He also requested an analysis of the concluding observations of the Committee on the Rights of the Child and of the reports of the special procedures mandate holders of the Commission on Human Rights in order to determine whether any trends have been discerned by these mechanisms in respect of violence against children. The independent expert continued to chair the expert editorial board, and has encouraged the creation of research and other networks. Throughout his work, the independent expert has emphasized the importance of child participation and urged that children be involved in all processes related to the study.

4. The independent expert has been grateful for the broad support for his work provided by Governments, regional bodies, intergovernmental and non-governmental bodies, as well as by United Nations entities, in particular the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), the three core United Nations entities supporting the study. He has participated actively in the meetings of the coordinating committee for the study, comprised of the director of the study secretariat and representatives of these three entities.

5. The independent expert has also been grateful for the experience and contributions provided to him by a range of United Nations partners. For example, the International Labour Organization (ILO) is providing specific research inputs and taking the lead on violence against working children. The Office of the United Nations High Commissioner for Refugees (UNHCR) is reviewing the situation of

refugee children in relation to violence and has launched a multicountry study in Southern Africa on the experiences of refugee children, describing the discrimination they experience and their increased vulnerability to violence. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has collaborated with UNICEF on inputs related to violence in schools and the promotion of child-friendly schools to provide information on corporal punishment and alternative disciple at home, in schools, and across the community, including through the publication *Eliminating Corporal Punishment: The Way Forward to Constructive Child Discipline*, prepared in cooperation with the International Institute for Child Rights and Development. The independent expert has also discussed collaboration with the Division for the Advancement of Women and the Department of Economic and Social Affairs of the Secretariat, which is leading the Secretary-General's study on violence against women.

6. National, regional and international non-governmental organizations (NGOs) have continued to provide significant support which has been deeply appreciated by the independent expert, in particular that provided by the subgroup on children and violence established within the NGO Group for the Convention on the Rights of the Child and the NGO Advisory Panel for the study. Several publications and resources have been prepared by NGOs as inputs into the study and Save the Children has continued to support the participation of children in the study.

II. Questionnaire to Governments

7. In March 2004, the independent expert circulated a questionnaire to Governments on the issue of violence against children, encouraging them to provide examples of good practices and innovative approaches and outline obstacles encountered in addressing all forms of violence against children.

8. In a number of countries the preparation of responses to the questionnaire provided the first opportunity for Governments to gain a clear picture of the problem of violence against children, and of the legislation, policies and programmes that have been developed in this area. In many cases, preparation of responses generated national debate about the question of violence against children and inspired action to address the problem. Several States have developed mechanisms to coordinate preparation of responses, which have included the organization of regular intersectoral meetings involving different governmental authorities, including at federal, state, provincial and municipal levels, as well as NGOs, national human rights institutions and other parts of civil society, including children.

9. As at 16 August 2005, the independent expert had received 117 responses: 28 from the African Group of States, 26 from the Asian Group, 19 from the Eastern European Group, 24 from the Latin American Group, 20 from the Western European and other States Group and one from the Occupied Palestinian Territory. The independent expert expresses his thanks to Governments that have submitted responses and acknowledges with gratitude the serious commitment they have shown in their preparation. He looks forward to further responses, which will be analysed for the final report. All responses are posted on the web site of the Office of the High Commissioner for Human Rights at http://www.ohchr.org/english/bodies/crc/study.htm.

III. Regional consultations

10. The independent expert participated in nine regional consultations on the study which were convened from March to July 2005: Regional Consultation for the Caribbean, held in Trinidad and Tobago from 10 to 11 March 2005; Regional Consultation for South Asia, held in Pakistan from 17 to 20 May 2005; Regional Consultation for West and Central Africa, held in Mali from 23 to 25 May 2005; Regional Consultation for Latin America, held in Argentina from 30 May to 1 June 2005; Regional Consultation for North America, held in Canada from 2 to 3 June 2005; Regional Consultation for East Asia and the Pacific, held in Thailand from 14 to 16 June 2005; Regional Consultation for the Middle East and North Africa, held in Egypt from 27 to 29 June 2005; Regional Consultation for Europe and Central Asia, held in Slovenia from 5 to 7 July 2005; and Regional Consultation for Eastern and Southern Africa, held in South Africa from 18 to 20 July 2005. The independent expert wishes to acknowledge the significant contribution that UNICEF offices in different parts of the world have made in facilitating the regional consultations and in supporting country-level preparatory and follow-up processes. He wishes to emphasize that the consultations generated key information for the study and also focused increased attention on the problem of violence against children, providing an opportunity to mobilize political will to address it. The consultations also raised the awareness of civil society and other stakeholders, strengthened partnerships and networks concerned with the problem of violence against children, and promoted dialogue among Governments and other participants. The independent expert expresses his warm thanks to the Governments that hosted these consultations and that have, in most cases, taken on follow-up responsibilities. He also wishes to express his gratitude to Governments that participated in the regional consultations, many of which sent high-level delegations, as well as to all others who participated or supported their organization.

11. Each of the regional consultations brought together an average of 350 participants, including Government representatives and parliamentarians, representatives of United Nations entities, regional and other intergovernmental organizations, NGOs, national human rights institutions and other parts of civil society, the media, religious organizations, as well as children, and provided a forum at which information on violence against children and steps to prevent and respond to this problem could be gathered. Preparations for each consultation were led by regional steering committees and coordinating groups comprised of Government representatives, United Nations and other international entities, NGOs and other parts of civil society, facilitated by UNICEF, with the support of OHCHR, WHO and other partners. In consultation with the independent expert, the Child Rights Information Network (CRIN) provided daily summaries of the regional consultations (www.crin.org and www.violencestudy.org). CRIN also developed interactive pages on its web site for children and young people.

12. Each regional consultation resulted in an outcome document that described the planning process, highlights of the event, best practices for preventing and responding to violence, and key recommendations for future action. Participants at several consultations agreed on a consultation declaration, which, while addressing its particular context, emphasized the importance of prevention of violence against children and the need for follow-up mechanisms to the consultations and the study.

13. At the South Asia regional consultation the South Asia Forum for Ending Violence Against Children was established to facilitate regular meetings of Governments in the region to follow up on the recommendations related to the study, calling on the support of the South Asia Coordinating Group against Commercial Sexual Exploitation and Trafficking of Children and Women in South Asia and the South Asia Association for Regional Cooperation (SAARC). At the regional consultation, each Government presented key concerns, such as violence against the girl child, child labour, street children, trafficking, violence in schools and the influence of conflict, and a range of responses were presented. For example, the Government of India reported the establishment of a National Commission for Children, with a focus on child protection, and Pakistan has established national child protection centres for child protection.

14. The concluding statement of the East Asia and Pacific consultation highlighted the increased vulnerability of children caught in cross-border migration and the importance of building the capacity of key professionals working with children, such as social workers, teachers, legal and medical staff, as well as community groups including faith-based organizations. The recommendations from the East Asia and Pacific meeting will be taken to the Eighth East Asia and Pacific Ministerial Consultation early in 2007.

15. At the Middle East and North Africa consultation an open discussion on the issue of violence against children took place among the children, Government officials, civil society members and other experts participating in the consultation. A declaration was adopted by the delegates which emphasized the need to strengthen institutions, families and communities to prevent violence against children. The declaration called upon participants to commit themselves to including "violence against children" as a permanent item on the agenda of the Arab League, the African Union and the Organization of the Islamic Conference Summits. On the closing day, another child helpline in the region was launched by the First Lady of Egypt. The helpline was supported by an awareness campaign on violence against children and the toll-free line received 15,000 calls from children in the first 12 days of operation.

16. Final conclusions relating to nine priority areas concerning violence against children were adopted at the regional consultation for Europe and Central Asia. Discussions during the consultation focused on violence against children in different kinds of residential institutions, in which more than a million children in the region are placed; corporal punishment in the home, which has been explicitly prohibited in the law by only 16 countries of the region; violence in schools, where different forms of humiliating treatment and bullying occur despite legal prohibition; and concerns on abuse and exploitation of children in the community, including lack of safeguards in free-time activities, for example in sport and youth clubs. Follow-up to the consultation at regional level will include negotiations relating to an intergovernmental commitment on violence against children and the strengthening of critical partnerships. For example, the Council of Europe, which co-organized the consultation, is implementing a new programme on violence against children. Participation of children will also be further strengthened through the activities of NGO networks, especially Save the Children, and will seek to include and involve children in policy dialogue more systematically. The consultation was immediately followed by a regional review of commitments made by the countries of Europe and Central Asia at the Second World Congress Against the Commercial Sexual

Exploitation of Children held in Yokohama, Japan, in 2001, thereby emphasizing the linkages of the study with accelerated action against sexual exploitation and trafficking in children.

17. In the closing session in Johannesburg, South Africa, the convening of an all-Africa consultation was proposed under the auspices of the African Union, which would result in an "Africa Union statement" on violence against children. This statement would unify the outcome of the Eastern and Southern Africa consultative process with the other two regional consultations held in Africa. In the broader forum of the consultation many other issues were discussed, such as discrimination, HIV/AIDS and traditional practices (such as early marriage, female genital mutilation/cutting), the challenges of post-conflict, and the importance of harmonizing customary law with civil law. The particular ways that girls are especially targeted and victimized, including the links with domestic violence, were discussed. This theme will be pursued at the forthcoming Second International Policy Conference on the African Child, organized by the African Child Policy Forum in collaboration with the African Union, UNICEF and Plan International in May 2006. In addition, there was a proposal that the theme for the Day of the African Child in 2006 be "Violence against children".

18. The Caribbean consultation was facilitated by the Caribbean Community and Common Market (CARICOM). A number of countries in the region have initiated follow-up actions. For example, in Jamaica the Violence Prevention Alliance, an umbrella organization uniting groups and agencies working on violence prevention, spearheaded by the Ministry of Health, has been established.

19. The Inter-American Commission on Human Rights co-organized the Latin American consultation, which produced a declaration that was signed by high-level participants. The declaration highlighted the need for action to curb gang violence and the need for sustainable community-based solutions to address violence against children which respected their rights and allowed them to realize those rights. In advance of this consultation, a virtual forum to solicit opinions from the general public on violence against children was launched by the Economic Commission for Latin America and the Caribbean. The almost 300 responses received were provided to the independent expert and consultation participants.

20. The participation of children was an important element in each of the regional consultations, with a number including specific events involving children. Children and adolescents participated in preparatory meetings prior to each of the regional consultations, thereby providing them with an opportunity to explore with peers the issues relating to violence and design the nature of their participation in the consultations. Child participation was facilitated by the Save the Children Alliance with support from partners, and children were selected according to a set of specially developed criteria, supported by specific protocols, taking into account their age and maturity.

21. More than 260 children had direct input to the consultations and the study, with 29 children attending the Caribbean Consultation; 25 in South Asia; 25 in West and Central Africa; 22 in North America; 30 in Latin America; 26 in East Asia and the Pacific; 27 in the Middle East and North Africa; 24 in Europe and Central Asia; and 55 in Eastern and Southern Africa. Children participating in the consultations represented networks of children from countries in the region. The independent expert met with children during each regional consultation. Children and

adolescents adopted their own declaration or outcome document at every regional consultation, identifying as priorities (i) consultation with children in the formulation of laws and social policy, with universal emphasis on the need to ban corporal punishment; (ii) implementation and enforcement of strict laws against violence; (iii) augmented allocation of resources for children; (iv) strengthened support for children's initiatives; (v) building of awareness among adults and children about children's rights, the impact of violence against children and alternative forms of discipline; and (vi) the need to establish ombuds entities for children where such institutions do not exist. The recommendations and presentations by the children and adolescents contributed directly to the working group's discussions at the consultations and are reflected in the final recommendations of the consultations.

22. Consultations with children prior to the regional consultations were held in 17 countries throughout Latin America representing more than 2,200 children, in six countries of Eastern and Southern Africa, and in Canada and the United States of America. A series of focus groups with children and young people in North America also highlighted common concerns across regions, calling for a complete ban on corporal punishment, and identified the challenge of discrimination based on sex, race and other grounds, calling for access to quality education and better services to lift children and adolescents out of situations of vulnerability.

23. The media participated in each regional consultation and also played a role as advocates in promoting the issues. In all regions, the role of the media in breaking the silence surrounding violence against children and influencing social norms and community attitudes was emphasized. The independent expert was grateful for the media attention that he and the study received, and he was glad to be able to address so many press forums. At the consultation for West and Central Africa journalists proposed the establishment of a network of media professionals, acknowledging the need to make reporting on violence against children more responsible, including being more protective of children, and the potential role of the media in supporting measures to address violence against children. During a presentation by the Department of Child Protection of the Economic Community of West African States (ECOWAS) journalists were sensitized to issues relating to reporting on violence against children and guidelines for journalists were produced. Delegates reiterated the central role of the media in the recommendations emerging from the consultation which, inter alia, called for the culture of silence surrounding violence against children to be broken and developing awareness of the issue by involving the whole community, religious and traditional leaders, the media, parents and children.

24. Violence against children in the media, including access to pornography and offensive material, particularly on the Internet and in the burgeoning mobile phone industry, was also addressed. In many cases it was clear that children and adolescents were far more advanced than adults in their knowledge of the issues and also in ways to respond. At the consultation for East Asia and the Pacific, an expert thematic meeting was hosted by End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) to discuss the influence of media on violence against children and to feed into the proceedings of the consultation. At the consultation for the Middle East and North Africa, private sector partners were invited to facilitate discussions with the consultation delegates on the scope of the problem and also on what could be done. The independent expert

has welcomed the ongoing involvement of these private sector partners in developing materials and strategies to address these issues.

IV. Subregional and national consultations

25. A number of subregional and national consultations were also held in preparation for the regional consultations. The Government of Madagascar hosted a subregional consultation for Indian Ocean Island States from 25 to 27 April 2005, and the Government of Fiji will host a similar subregional consultation in September 2005 for the Pacific. The Indian Ocean subregional consultation adopted a final declaration, which, in addition to including recommendations adopted at the meeting, requested the Observatoire des droits de l'enfant de la région l'Océan indien to conduct and publish a study on violence against children in the subregion and to evaluate the progress made in addressing violence against children in the countries of the Indian Ocean in 2010.

26. National consultations and high-level discussions were held in Bangladesh, Bhutan, China, Jamaica, Kenya, Liberia, Mexico, Senegal, the Sudan, Sri Lanka, Tunisia, Uganda and Yemen and additional national consultations, including in Brazil and India, will also take place later in 2005 and early 2006. These addressed issues specific to their national context. In Bangladesh, the importance of community development was emphasized, as was the need for dialogue with parents, teachers and students to stop violence against children at home, in schools, and the broader community. The Government also announced the formation of an independent Child Rights Commission to help reduce violence against children. In Bhutan (21 and 22 April 2005) commercial sexual exploitation and cross-border trafficking were also highlighted as priorities.

27. In East Asia and the Pacific, at least eight countries conducted seminars on violence against children or engaged in processes in relation to the study, while new research on the issue was disseminated in Timor-Leste and Viet Nam. A consultation held in China on 16 and 17 May 2005 was attended by the independent expert and focused on ground-breaking research conducted for the first time on violence against children in China. These new data were linked with studies in other countries in Asia and in Europe, confirming the global nature of the problem. The Government of China has suggested that a forum for children and adolescents be held later in 2005.

28. A cross-cutting theme raised in many of the national consultations was the responsibility of the media with regard to violence against children, and recommendations suggested that the media pay particular attention to the occurrence of violence against children. Participants at the consultation in China, for example, highlighted the crucial role of the media in denouncing violence against children and working to uncover the root causes of the phenomenon.

V. Field visits

29. In order to identify country experiences of violence against children, and practical measures to prevent and respond to such violence, since the end of 2004, the independent expert has conducted field visits in Port of Spain (11 March 2005),

Buenos Aires (31 May 2005), Toronto (4 June 2005), Israel and the Occupied Territories (30 June to 4 July 2005), Bamako (23 and 24 May 2005), Islamabad (20 May 2005), Ljubljana (5 and 6 July 2005) and Johannesburg (18 July 2005). Field visits in Argentina, Canada, Mali, Pakistan, Slovenia, South Africa and Trinidad and Tobago were linked to the regional consultations held in those countries. The visit to Israel and the Occupied Territories coincided with the independent expert's participation in the international conference on juvenile justice, "Kids Behind Bars", organized by Defence for Children International in Bethlehem in June/July 2005. The independent expert is grateful to the Governments of the countries in which visits were conducted, and to those who facilitated the visits.

30. In Port of Spain, the independent expert visited the Trinidad and Tobago Coalition against Domestic Violence, the Young Men's Christian Association Bethon School and St. Jude's School, where children noted the pervasive nature of corporal punishment in the region and the importance of the establishment of helplines for children.

31. In Islamabad, the independent expert visited two civil society organizations: the Society for the Protection of the Rights of the Child (SPARC), which focuses on child rights advocacy, and Rehabilitation and Health Aid Centre for Torture Victims — Voice against Torture (RAHAT-VAT), dedicated to assisting victims of torture, including children. The findings of SPARC reinforced the concerns raised at the South Asia Regional Consultation regarding corporal punishment in families, schools and by security forces, and indicated that corporal punishment in the school system is a significant factor leading to the exclusion of children from school. The Society's initiatives included an awareness-raising campaign on child rights among students in public and private schools, and its advocacy efforts have also led to significant improvements in the country's legal framework for children. The independent expert's discussions with RAHAT-VAT focused on the importance of specialized programmes for child victims of torture and degrading treatment with respect to investigations, recovery and reintegration.

32. In Bamako the independent expert visited Apaf Muso Dambe, a local NGO providing assistance to female victims of violence and other human rights violations. Girls talked to the independent expert about their vulnerability to violence and social exclusion, often related to early or unwanted and forced pregnancy. In addition, the independent expert visited a drop-in centre for children on the outskirts of Bamako and participated in a lesson on child rights and violence at a local school. During these visits, many children informed the independent expert of the extremely negative impact of corporal punishment on their school and domestic life. The issue of female genital mutilation (FGM) was also raised during the independent expert's visit to Mali, and its pervasiveness throughout West Africa discussed. He was briefed on the *Programme national de lutte contre l'excision*, and informed of the paucity of reliable data on the prevalence and forms of FGM that exist in the region, and that it is difficult to reach more isolated communities. Members of the *Programme* indicated that the engagement of religious and community leaders was an important factor in combating the practice.

33. In Buenos Aires, the independent expert visited a day-centre run by the City of Buenos Aires, the *Centro de Atención Integral a la Niñez y Adolescencia*, which offers psychological, social and educational assistance to street children and others

in difficult circumstances and which achieved positive results by promoting participatory activities and engaging street children in reintegration in their homes and communities. Among the problems discussed were the inconsistencies between national and local legislation, the excessive use of institutionalization, and violence and discrimination against children by security forces. In Toronto, the independent expert visited a women's transition house, where children were housed with their mothers. He also visited the Kinark Syl Apps Youth Centre and the Youth Crime Reduction Programme, where he followed a conference with a young offender that constituted part of a div ·sion and restorative justice programme which is considered successful in the community resolution of minor criminal offences, combining the avoidance of institutionalization and low recidivism rates.

34. In Ljubljana, the independent expert made a presentation to civil society organizations, followed by an interactive dialogue at the Slovenian parliament. He also visited an institution for children in vulnerable situations or who have committed minor offences and a centre for child asylum-seekers. While in South Africa, the independent expert visited the Thuthuzela care centre in Soweto on the outskirts of Johannesburg. The centre, one of a number that have been established within the framework of the anti-rape strategy adopted by the Government of South Africa, provides multidisciplinary services to rape survivors, including children and adolescents, within a holistic approach combining health care, psychological counselling and legal support.

35. During his visit to Israel, and with the facilitation of the Israeli Committee for UNICEF, the independent expert met with representatives of Israel's Ministries of Social Affairs and Health and local NGOs at Adam's School in West Jerusalem. Government officials outlined the legal framework for the protection of children, including the mandatory obligation of all professionals working with or for children to report suspected cases of abuse. Representatives highlighted the need for well-coordinated and integrated services. Representatives from Israeli civil society described initiatives to respond to violence at home and schools, such as confidential telephone hotlines and the appointment of an independent ombudsman for children. The independent expert also met with the Israeli Ministry for Foreign Affairs which committed itself to support him in the preparation of the study.

36. During his visit to the Occupied Territories, the independent expert met with representatives of the Palestinian Authority in Ramallah and Gaza (including the Minister of Women's Affairs and the Coordinator of the National Plan of Action for Children), members of the Palestinian Legislative Council and representatives from local and international NGOs. The independent expert also met with children from the Children's Municipal Council, the Safe Play Area in Gaza City, and with children assisted by the psycho-social emergency team in Rafah. Representatives presented some of the initiatives developed to prevent and respond to violence against children, such as the development of the Palestinian Child Rights Law and awareness campaigns about child rights and gender-based violence. Governmental and civil society organizations and children mentioned that despite the positive impact of such initiatives, occupation and armed violence continued to affect the level of violence against children in other contexts in the region. The effects of children witnessing or suffering violence on their way to and inside school were noted, including by the children themselves, who indicated that getting to school involved unpredictable levels of violence and difficulties caused by checkpoints and similar obstacles. Children also complained that teachers used corporal punishment.

Psycho-social researchers informed the independent expert that the situation of Palestinian families was severely affected by factors including population density, especially in the refugee areas, housing evictions, high unemployment and poverty levels, the lack of access to basic services and the difficulty of travelling within the territory, and that these were among key factors contributing to the increasing incidence of violence in homes and communities. Children from the Children's Municipal Council confirmed that the creation of "safe play areas" where children could meet and play had been an important initiative which had improved children's situation.

VI. Analysis of the concluding observations of the Committee on the Rights of the Child

37. The independent expert continued to maintain close contact with the Committee on the Rights of the Child, the 18-member treaty body monitoring the Convention on the Rights of the Child which had initiated preparation of the study through a recommendation to the General Assembly (A/56/488, annex). Past and present Committee members participated in the regional consultations and other meetings relating to the study, and in light of the fact that the Committee has considered the issue of violence against children in its review of the reports of the States parties to the Convention, the independent expert conducted an analysis of the Committee's concluding observations in this regard.

38. This analysis indicated that key concerns raised by the Committee include the insufficient financial and human resources allocated, as well as the inadequate programmes established to prevent and combat violence against children. Children are not provided with adequate mechanisms to file complaints, and in many cases there are obstacles to prosecution for child abuse and neglect. Rehabilitation measures for child victims of ill-treatment and abuse are lacking, as are comprehensive information and data on the different manifestations of violence against children, thereby leading to limited awareness of the ill-treatment and abuse of children. The Committee has expressed concern that corporal punishment is still widely accepted and practised within the family, and that a limited number of countries have prohibited corporal punishment in the home and family, while in some countries legislative provisions provide for such punishment. Violence against women in the family remains widespread and continues to have a negative impact on children, with the Committee expressing concern that domestic violence against women may be linked to child abuse in the family.

39. The Committee has drawn attention to outdated laws concerning sexual abuse and it has also noted confusing information on the prevalence of abuse and neglect of children, noting that the low number of reported cases may be indicative of an ineffective reporting system, or the result of traditional attitudes, which preclude reporting. The Committee has noted that domestic laws concerning sexual abuse are often outdated and there is sometimes no legislation clearly prohibiting child sexual abuse and sexual exploitation. Legislation that clearly defines consent in sexual matters may also be lacking, and there are insufficient procedures available to prosecute perpetrators so that very few cases of physical and sexual abuse are effectively pursued by the police or brought to court. The social stigmatization of the victims of sexual violence, as well as the lack of social and psychological

recovery programmes and the limited possibilities for victims to be reintegrated into society, have also attracted the Committee's concern.

40. The Committee has noted that corporal punishment is still widely practised in schools, is frequently not explicitly prohibited by domestic legislation, and is sometimes provided for in legislation which it considers to be in contravention of article 19 of the Convention. The Committee has stated that there is usually a connection between the social and legal acceptability of corporal punishment and high levels of child abuse and that tolerance of corporal punishment in schools makes it difficult to educate parents about alternative forms of discipline. The Committee has also expressed concern at the use of corporal punishment in public institutions and in alternative care contexts, including in orphanages and rehabilitation centres, and the placement of children in need of alternative care, in particular boys, in institutions for juvenile offenders, as well as the incidence of sexual and other abuse in children's homes. In this context, the Committee has expressed particular concern about domestic legislation that entitles parents to seek institutional care for children perceived to be beyond parental control, and the vulnerability of such children to violence.

41. The Committee has noted the occurrence of violence against children in the administration of juvenile justice, emphasizing that children are victims of cruel, inhuman or degrading treatment or punishment, committed notably at the hands of the police at police stations, places of detention and prisons. The minimum age of criminal responsibility is often too low. In many countries persons who have committed crimes under the age of 18 can be sentenced to death or life imprisonment or subjected to corporal punishment or punishments including amputation, flogging or stoning. The period for investigation and pre-trial detention can be prolonged, and persons below the age of 18 may not always be separated from adults. The detention conditions of children in police stations or detention centres are poor, amounting to cruel, inhuman or degrading treatment. Methods used by law enforcement officials may in some cases jeopardize the lives of children. In general, there is a lack of statistical data on the administration of juvenile justice, a limited number and use of specialized juvenile courts and judges, poor quality of supervision, monitoring and training of staff, and absence of effective, child-friendly and independent complaints mechanisms for young detainees. Recovery and social reintegration measures are frequently absent.

42. The Committee has expressed concern at the growing involvement of children in the sex industry, including prostitution and pornography, the subject of the Optional Protocol on the sale of children, child prostitution and child pornography to the Convention on the Rights of the Child, which entered into force in 2000, and the large-scale trafficking of children, in particular girls, for the purpose of sexual and other forms of exploitation. The Committee has expressed concern that sexually exploited children are criminalized in some countries, and there is a lack of specific legislation prohibiting trafficking in human beings, including for the purpose of prostitution.

43. The increasing number of street children, most of them living in extremely difficult conditions, and the vulnerability of these children to violence, torture, sexual abuse, exploitation, murder and abduction have also attracted the Committee's concern. It has noted the lack of a systematic and comprehensive strategy to address the situation and protect these children. Similarly, the Committee

has identified the economic exploitation of children as a factor which may increase their vulnerability to violence. It has noted that despite the wide ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and that some counties have adopted stricter laws on child labour, a high percentage of working children are involved in activities that represent a danger to their health and development, with some working in dangerous and/ or abusive conditions. The Committee has expressed its concern about the absence of legal safeguards to protect children employed in the informal sector, including in families and small enterprises, rendering them vulnerable to abuse, including sexual abuse.

44. The persistence of harmful traditional practices, including female genital mutilation, forced and/or early marriages, dowry-related violence, female infanticide and enslavement and food taboos, has been highlighted by the Committee which is concerned at the lack of interventions to address these issues. It has drawn attention to the impact of differential minimum legal ages for marriage for boys and girls, which it considers discriminatory, facilitating the practice of early marriage. It has also highlighted the problem of honour killings, which affect children directly, as well as indirectly where their mothers and other female relatives are targeted, and has noted that the police are often reluctant to arrest the perpetrators, or, where they are arrested and charged, they receive lenient or token punishment.

45. The Committee has pointed to underlying conditions which exacerbate children's vulnerability to violence. These include poverty, inadequate standards, procedures and policies to guarantee and protect the rights of internally displaced, refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services, and the physical and psychological hardship resulting from armed conflicts which affect children. The Committee has also noted the heightened vulnerability of children with HIV/AIDS and children orphaned as a result of the pandemic to violence. It has also drawn attention to the particular risks that children with disabilities, in particular in institutions or residential care, face in respect of violence and the heightened vulnerability of children belonging to minorities and racial groups to discrimination and violence. In this context the Committee notes that legal provisions prohibiting incitement to racial discrimination and racially motivated violence may be lacking and police and prosecutors may fail to investigate acts of racially motivated violence promptly and effectively, and may be reluctant to identify a racial motive having instigated such violence. It has also noted that in some countries there are few indictments and convictions in relation to the number of incidents reported, and that perpetrators sometimes receive light sentences.

VII. Analysis of the work of the special procedures mandate holders of the Commission on Human Rights and the Subcommission on the Promotion and Protection of Human Rights

A. Special procedures mandate holders

46. The independent expert has called on the special procedures mandate holders of the Commission on Human Rights to provide input into the study and to take violence against children into account in their work. He has held several bilateral consultations with the special procedures mandate holders on this issue and initiated an analysis of their work relating to violence against children.

47. This analysis indicates that several special procedures mandate holders have focused on children's rights, with a number receiving communications of allegations of human rights violations pertaining to their mandates that relate to children. In their reports to the Commission in 2004 and 2005, a number of special procedures paid particular attention to the issue of violence against children while others, including the Special Rapporteur on the right to food, have drawn a link between children affected by hunger and hunger-related diseases and the denial of their right to food, health and life (see E/CN.4/2005/47).

48. Special procedures mandate holders who have addressed violence against children include the Special Rapporteur on the sale of children, child prostitution and child pornography, who has considered child pornography on the Internet (see E/CN.4/2005/78 and Corr.1) and policies and programmes to prevent child sexual exploitation (see E/CN.4/2004/9), the criminalization of child victims (see E/CN.4/2003/79) and HIV/AIDS and sexual exploitation of children (see E/CN.4/2002/88).

49. The Special Rapporteur on extrajudicial, summary or arbitrary executions has consistently paid attention to extrajudicial, summary or arbitrary executions of children (see E/CN.4/2004/7) and has referred to a trend of extrajudicial killings of children in some countries by vigilante groups, consisting frequently of off-duty law enforcement agents. The Special Rapporteur on the question of torture has considered the issue of torture of children, including in the context of corporal punishment (see E/CN.4/1988/17, E/CN.4/1996/35, A/54/426, A/55/290 and A/57/173), which the Special Rapporteur considers to be inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment enshrined in the Universal Declaration of Human Rights (see A/57/173). The report of the Special Rapporteur to the General Assembly at its fifty-ninth session (A/59/324) highlighted the particularly serious effects of torture on children, including its impact on the physical and mental development of children and the development of inappropriate behaviours. The Working Group on Enforced or Involuntary Disappearances has called on all Governments to make special efforts to prevent the disappearance of children (see E/CN.4/2005/65). Similarly, the Working Group on Arbitrary Detention investigated several cases of alleged arbitrary deprivation of liberty of children (see E/CN.4/2004/3 and E/CN.4/2005/6).

50. Violence against girls has been addressed by a number of special procedures mandate holders, including the Special Rapporteur on violence against women, its causes and consequences, who has drawn attention, inter alia, to harmful traditional practices, such as forced marriage of children, and violence against women, in particular girls and young women in the context of HIV/AIDS. The Special Rapporteur on trafficking in persons, especially women and children, has indicated that she intends to devote special attention to the situation of trafficked children and to formulate separate recommendations concerning their situation in her future reports (see E/CN.4/2005/71). Gender-based violence has also been addressed by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (see E/CN.4/2004/49), who has indicated that harmful cultural practices, including FGM, carry a high risk of disability and death and highlighted the high health risks linked to early marriage, such as those arising from early pregnancy. The Special Rapporteur has also examined a connection between States' international obligations to respect, protect and fulfil the right to health and protection from violence (ibid.).

51. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples has expressed serious concerns at the situation of indigenous children, pointing, inter alia, to their forced recruitment in armed conflict zones, the widespread practice of child labour in relation to such children and their extreme vulnerability to trafficking (see E/CN.4/2005/88). He has also drawn attention to the recruitment of indigenous youths into armed gangs (see E/CN.4/2005/88/Add.2), made recommendations in respect of indigenous children in contact with the juvenile justice system (see E/CN.4/2004/80), and pointed to the impact of FGM on the education of girls from indigenous communities, as well as the realization of other human rights (see E/CN.4/2005/88).

52. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living has drawn attention to homelessness and its causes and impacts on children and youth (see E/CN.4/2005/48). He has also noted that eviction, which usually leads to homelessness, affects a large number of persons and that most of those affected are children, and has emphasized the existing link between evictions and violence, and the fact that homelessness increases the vulnerability of children to sexual abuse. He has also noted that denying access to social assistance to children living in a family where abuse is present provides adolescents, in particular, with limited options: to remain in a household where they are at risk of physical and mental harm; or to escape to a homeless alternative which is precarious, but without the relative certainty of continued abuse by family members or legal guardians. The Special Rapporteur on the right to education plans to review security in schools and the exercise of the right to education in emergency situations, which may range from displacement, armed conflict and military occupation to intra-school violence, in his forthcoming reports (see E/CN.4/2005/50). The Special Rapporteur on the human rights of migrants has emphasized that unaccompanied minors are at great risk of violence, exploitation, child trafficking, discrimination and other abuses, including sexual abuses and forced prostitution. (see E/CN.4/2005/85 and Add.3). She has emphasized the responsibility of States to protect adolescent girls, whether nationals or immigrants, within their territory from harmful traditional practices and facilitate the provision of information from a diversity of sources, and to establish centres offering counselling on the harmful effects of FGM (see E/CN.4/2005/85). The Special

Rapporteur has also examined alleged ill-treatment of minors in reception centres and cases of unaccompanied minors travelling illegally to join their parents, with the help of migrant-smuggling rings.

B. Subcommission on the Promotion and Protection of Human Rights

53. The Subcommission on the Promotion and Protection of Human Rights, the main subsidiary body of the Commission on Human Rights, has studied several thematic issues relating to the question on violence against children, in particular with respect to harmful traditional practices and sexual abuse. The Special Rapporteur of the Subcommission on traditional practices affecting the health of women and the girl child, whose current mandate was established by resolution 1996/19 of the Subcommission but whose work on the subject goes back to 1988, has focused on the elimination of female genital mutilation, son preference, female infanticide, forced and early marriage and crimes committed in the name of honour, concluding that these practices are related to the inferior status of women and girls in society (see E/CN.4/Sub.2/2005/36) A paper submitted by a member of the Subcommission at its fifty-sixth session in 2004 (E/CN.4/Sub.2/2004/11) raised concerns about the protection of child witnesses during sexual abuse trials and emphasized the possibility that subjecting children to the same process of testifying as adults could be highly detrimental both emotionally and in terms of the child witnesses' credibility.

54. The independent expert, who also serves as the Special Rapporteur of the Subcommission on housing and property restitution in the context of the return of refugees and internally displaced persons, has elaborated Principles on Housing and Property Restitution for Refugees and Displaced (E/CN.4/Sub.2/2005/17, annex) and explanatory notes on the Principles which reaffirm the rights of refugee and displaced persons, including boys and girls, to housing, land and property restitution.

VIII. Expert meetings

55. The independent expert encouraged the organization of expert and thematic meetings to provide a forum in which experts from all regions of the world would identify existing research and experience and the most effective practical approaches to the elimination of violence against children and measures to protect children. WHO organized a consultation on violence against children in the home and family on 20 and 21 June 2005 in Geneva, where participants adopted recommendations stressing the need to improve the gathering and sharing of information on violence against children in the family, to strengthen prevention measures, to improve services for children and families experiencing violence, and to develop ethical and safety guidelines to guide researchers investigating this topic. Various preventive measures were discussed, including home visitation programmes, parent education and training, counselling and support for families, awareness and education campaigns on child rights and child physical, emotional, cognitive and sexual development, and programmes designed to change social norms about violence. Legislative reforms, including the prohibition of corporal punishment in the home and family, and increased resource allocations were

encouraged both as prevention and response measures. The role of children and adolescents, as well as that of religious and traditional leaders was emphasized, in particular in awareness-raising campaigns on harmful traditional practices.

56. The independent expert also attended a thematic meeting on violence against children in conflict with the law organized by the NGO Advisory Panel for the study held on 4 and 5 April 2005 in Geneva. The increased vulnerability of children and adolescents to violence within the juvenile justice system was considered a serious concern by the participants. It was strongly recommended that detention be an absolutely last resort, only resorted to when all other forms of diversion, education and other alternatives have failed. A number of recommendations were adopted on alternatives to detention and on measures to ensure that children are not subject to violence within the juvenile justice system. Strategies for the implementation of the recommendations were identified by the participants and addressed to the international mechanisms and national Governments.

57. Other meetings and consultations designed to provide input into the independent expert's work were also convened. These included meetings on gender-based violence and on violence against children in schools which took place respectively on 17 and 18 March 2005 in Cape Town, South Africa; from 14 to 16 April in Tunis; and on 10 and 11 May 2005 in Nairobi. Discussions in Cape Town on gender-based violence focused on three themes: sexual exploitation and gender-based violence in humanitarian crises; sexual abuse and violence in non-emergency situations; and gender and HIV/AIDS. Adolescent girls were identified as particularly vulnerable to sexual and gender-based violence and the need for special protection was highlighted. The link between HIV/AIDS and sexual and gender-based violence was also discussed, and further research on the topic was encouraged. The consultation in Tunis addressed violence in schools, which was identified as a factor in denying access to school and impeding school retention and learning. It was held in tandem with an interactive Internet forum for young people in the Middle East and North Africa. Experts attending the Nairobi meeting on violence against children in schools identified five main categories of violence in schools: corporal punishment used by teachers, including verbal abuse; gender violence perpetrated by teachers, school administrators or students and including heterosexism and homophobia; bullying, also expressed through new technologies; gang violence, their use of weapons and the effects on life within the schools, including drug trafficking and gang rape; schools as "targets", including destruction of school and teacher property, vandalism and kidnappings. An expert consultation on the impact of violence against children took place in New York on 28 July. Participants reviewed types of violence affecting children with disabilities, including those which are least reported, and produced a set of recommendations.

IX. Call for public submissions

58. In early 2005, the independent expert circulated an indicative outline of his final report (E/CN.4/2005/75, annex I), and called upon all stakeholders to provide input to the study. As of 7 July 2005, 169 submissions had been received from academic institutions, Government agencies, international organizations, and international and national NGOs. Submissions have included academic research findings, studies, reports, case studies and recommendations, and are being analysed

according to the settings identified in the independent expert's concept paper for the study (E/CN.4/2004/68, annex) and his study outline.

X. Estimating the extent of violence against children

59. The lack of systematically collected information on violence against children led the independent expert to establish an advisory group on research composed of experts from ILO, UNICEF and its Innocenti Research Centre, WHO, and academics working with research networks on different aspects of violence against children. The advisory group is developing recommendations to establish systems to monitor the situation of violence against children and to collect information. While the study is limited to existing research and will not commission new research directly, a range of new research and secondary analysis of existing research is being conducted in conjunction with the study. The advisory group works with large existing data sets such as demographic health surveys, multiple indicator cluster surveys, child info/dev/info and those related to Education for All, and those of United Nations entities including ILO and the United Nations Office on Drugs and Crime. WHO is leading the analysis of statistical data related to the occurrence of violence against children at home in the family and in schools, and on the impact on children of witnessing domestic violence. The advisory group is also working with data sets and new research, including those provided by Child Helpline International, Save the Children and the International Society for Prevention of Child Abuse and Neglect.

60. The independent expert considers that reliable estimates of violence against children in all its forms are essential for raising awareness about the global extent of the problem and provoking action to address it. He is also convinced that improved systematic data collection, which the advisory group's recommendations should facilitate, will enable States to monitor progress made in implementing the recommendations that he will set forth in his final report, as well progress in preventing violence against children.

XI. Editorial board

61. On 11 and 12 July 2005, the independent expert chaired the third meeting of the editorial board for the study, which had been established to assist him in his work, in particular relating to the publication of the study's findings. The editorial board is comprised of experts from various regions of the world, including representatives from United Nations entities and NGOs expert in different aspects of violence against children. The third meeting of the editorial board focused on analysing inputs received, shaping draft chapters and developing recommendations. Editorial board members also participated in the regional consultations as presenters, as rapporteurs, and working group members.

XII. Conclusion

62. Through the regional, subregional and national consultations, expert meetings, field visits and analysis of the work of human rights mechanisms, in particular the Committee on the Rights of the Child, the independent expert has identified a number of key areas, in particular relating to effective prevention and response to violence against children, that will be the focus of his work in the coming year. These include the continued legality and prevalence of corporal punishment against children in the home, schools, alternative care, institutions and the juvenile justice system; the vulnerability of children in conflict with the law, as well as street children, to violence; and the pervasiveness of harmful traditional practices. He has also become very aware of the underlying conditions, such as community attitudes to violence, discrimination, poverty, the unequal status of women and girls, lack of access to quality education and denial of human rights generally, which exacerbate children's vulnerability to violence. Lack of systematic and quality data and the importance of capacity-building for those working with children have also become clear.

63. In completing his final report to the Secretary-General, as well as the other related outputs, the independent expert will build on the information emerging from the consultations, field visits, expert meetings and other events. He will give significant weight to the outcome of the analysis of responses to the questionnaire sent to Governments and other submissions and will focus on the development of comprehensive, multifaceted, interdisciplinary responses to violence against children and strategies to eliminate it.